

IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG

GREGORY K. CLINTON,

Petitioner,

v.

**CIVIL ACTION NO.: 3:20-CV-73
(GROH)**

MR. HUDGINS,

Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATION

Now before the Court is a Report and Recommendation (“R&R”) of United States Magistrate Judge Robert W. Trumble. Pursuant to this Court’s Local Rules, this action was referred to Magistrate Judge Trumble for submission of a proposed R&R. Magistrate Judge Trumble issued his R&R [ECF No. 65] on January 11, 2021. Therein, Magistrate Judge Trumble recommends that the Petitioner’s § 2241 petition [ECF No. 1] be denied and dismissed without prejudice.

Pursuant to 28 U.S.C. § 636(b)(1)(C), this Court must conduct a *de novo* review of the magistrate judge’s findings where objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge to which no objection is made. Thomas v. Arn, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and of a petitioner’s right to appeal this Court’s Order. 28 U.S.C. § 636(b)(1); Snyder v. Ridenour, 889 F.2d 1363, 1366 (4th Cir. 1989); United States v. Schronce, 727 F.2d 91, 94 (4th Cir. 1984).

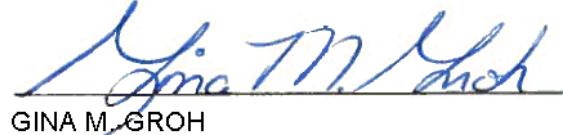
Objections to Magistrate Judge Trumble’s R&R were due within fourteen plus three days of service. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). The R&R was mailed to the Petitioner

by certified mail on January 11, 2021. ECF No. 65. The Petitioner accepted service on January 19, 2020. To date, no objections have been filed. Accordingly, this Court reviews the R&R for clear error.

Upon careful review and thoughtful consideration, it is the opinion of this Court that Magistrate Judge Trumble's R&R [ECF No. 65] should be, and is hereby, **ORDERED ADOPTED** for the reasons more fully stated therein. Therefore, the Petitioner's Motions to Transfer [ECF Nos. 34 & 41] and his § 2241 Petition¹ [ECF No. 1] are **DENIED** and this Civil Action is **DISMISSED WITHOUT PREJUDICE**. The Court has also reviewed the Petitioner's Motion to Seal Complete Criminal History, filed after the R&R was entered, and finds that it is wholly without merit. Accordingly, the Petitioner's Motion to seal his entire criminal history [ECF No. 67] is **DENIED**.

This matter is **ORDERED STRICKEN** from the Court's active docket. The Clerk of Court is **DIRECTED** to mail a copy of this Order to the *pro se* Petitioner by certified mail, return receipt requested, at his last known address as reflected on the docket sheet.

DATED: February 10, 2021



GINA M. GROH
CHIEF UNITED STATES DISTRICT JUDGE

¹ The Court notes that the Petitioner filed an Amended Petition [ECF No. 66] without seeking leave of Court on January 14, 2021—prior to his receipt of the R&R. The Court has reviewed the Amended Petition and finds that providing the Petitioner leave of Court to amend would be futile, and therefore, the Court disregards the Amended Petition.